

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GREATER NEW YORK MUTUAL  
INSURANCE COMPANY,

Docket No.: 1:22-cv-02052

**JUDGMENT**

Plaintiff,

-against-

THE BURLINGTON INSURANCE  
COMPANY, SCOTTSDALE INSURANCE  
COMPANY, and ABC INSURANCE  
COMPANIES 1-10,

Defendants.

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DENISE COTE, District Judge:

**WHEREAS:** this action was originally instituted by Plaintiff Greater New York Mutual Insurance Company (“Plaintiff”) against Defendants The Burlington Insurance Company (“Burlington”) and Scottsdale Insurance Company (“Scottsdale”) (collectively, “Defendants”) seeking a declaration that the Defendants owed a duty to defend and indemnify Park City 3 and 4 Apartments (“Park City”) in the action captioned *Yaguachi v. Park City, et al.*, Index No. 13524/2012 that is now pending in the New York Supreme Court, Kings County (the “Underlying Action”);

**WHEREAS:** after competing motions for summary judgment, the Court determined that Burlington and Scottsdale had a joint obligation to defend Park City in the Underlying Action and to reimburse past defense costs incurred by or on behalf of Park City in its defense of the Underlying Action (the “Summary Judgment Decision”) (ECF No. 72);

**WHEREAS:** on June 15, 2023, the Court dismissed without prejudice the Counts of Plaintiff's Complaint seeking a declaration that Burlington and Scottsdale are now obligated to indemnify Park City in the Underlying Action (ECF No. 87).

**WHEREAS:** the Parties having amicably resolved the issue relating to past defense costs and expenses incurred by or on behalf of Plaintiff in its defense of Park City in the Underlying Action pursuant to the Summary Judgment Decision;

**IT IS HEREBY ORDERED and ADJUGED that:**

Scottsdale and Burlington owe Park City a joint duty to defend in connection with the Underlying Action pursuant to the Summary Judgment Decision (ECF No. 72).

Dated: New York, New York  
July 31, 2023

  
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DENISE COTE  
United States District Judge